

Psst, Hey Candidate Let Me Have Your Facebook Password!



Question: Should I ask a job candidate to give me access to their Facebook password so I can really check their background? I have a suspicion about one candidate but the manager wants to hire him anyway. We are hiring him as a driver and I am concerned about his reckless behavior. I think we could find he is not a good match for our organization if we really saw what he was up to on Facebook.

Response:

My short answer is 'No'; I think that the negatives of asking for a Facebook password outweigh any positives in 99% of the cases. I would say the same for asking a candidate to log in and leave the room while you search his Facebook account.

If you have suspicions perhaps you need to expand your vetting process and look a little harder. Generally, between your normal screening process, which should include reference and background checking, and Internet vetting (with caveats) and, in this case a drivers record check, you will obtain the information you need to make an informed decision. Can you obtain more information by accessing candidate's Facebook accounts? Possibly, but what you find may cause you more headaches then it could possibly solve.

Violating Privacy and The Human Rights Code

I watched with interest the flashpoint debate last summer when the topic of requesting job candidate's Facebook passwords emerged into the spotlight. In response to the issue the majority of the public conversation revolved around the idea that protection offered by Canadian privacy legislation, Employment Standards Acts and Human Rights Codes would inhibit employers from violating a job candidate's Facebook privacy. But, is it that cut and dried?

The way forward is not always that clear even to those involved in the issue. In a March 2012 interview with the Globe and Mail, Devid Goodis, the Director of Legal Services, Information and Privacy Commissioner of Ontario said 'asking for a Facebook password could find the employer in violation of the Personal Information Protection and Electronic Documents Act (PIPEDA) and the Ontario Human Rights Code.' However, a correction to this article indicated that PIPEDA had limited application in the

context of employment context and furthermore only applies to federally regulated employers.

With reference to the Ontario Human Rights Commission, if you read their [Facebook page](#) they state that *'the OHRC believes employers should not ask job applicants for access to information stored on social media or other online sites and that doing so could leave an employer open to a claim of discrimination under the Code.'* Note that they did not say an employer could not ask, only that it left the employer open to a claim of discrimination. While this opinion is in reference to Ontario similar thoughts are being voiced across Canada. In the spring of 2012 Nova Scotia was the first to introduce a private members bill specifically prohibiting employers from requiring access to a social network as a requirement of employment. However, thus far we could find no legislation that has been enacted.

How The Cons Outweigh the Pros

The rights of an employer to snoop into a job candidate's Facebook page are very limited but probably not non-existent. However, are privacy legislation and employment standards the only point? If, while snooping around a candidate's Facebook page you uncover information indicating family status, age, religion, even criminal history or more you could not use it, even if the candidate gave you permission to check. If you later turn down the candidate and even if you do not see or use this information, the candidate could claim you did.

In addition to the possible legal and financial risks you may face the more immediate risk is the damage to the relationship with your candidate. The majority of Facebook users would not happily hand over access to their Facebook account and would only do so under duress. This may not be the best way to begin a relationship.

Your Options: How To Conduct a Social Network Check

It may be fair to say that many job candidates expect an employer is conducting a cursory Internet and social networking check on their activities; goggling their name, visiting LinkedIn and even looking at their Facebook page. Currently, although dicey these activities may stand up if you are careful about what you do and how you use it.

If you want to conduct a social network search on a potential employee consider bringing in an objective 3rd party (either another employee or an outside agent) to conduct a search to look for only what is relevant and legal. Although this person may see other information you can direct her not to report anything that reveals protected personal information.

What could they report? What is relevant for the job, for example consistency of work history, education and other background details; social media skills, attitude, communication skills, public behaviour and other important qualities that do not reveal protected information. If they found comments on Twitter where the candidate talked about smoking crack in a drunken stupor they could probably report on that because that might be very relevant to a job as a driver (though perhaps not a mayor).

Before you proceed clearly understand what you are looking for and why and ask yourself if you can obtain the information you need through other means.

Sources

[Asking for Facebook password a violation of human rights: Commission](#)

[the Ontario Human Rights Commission Facebook page](#)